

HOUSE BILL 1336

E2, L1

0lr2957

By: **Washington County Delegation**

Introduced and read first time: February 18, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County – Domestic Violence – GPS Tracking System Pilot**
3 **Program for Offenders**

4 FOR the purpose of authorizing Washington County to implement a global positioning
5 satellite tracking system pilot program that will require, as a condition of a
6 defendant's pretrial release on a charge of violating a certain protective order,
7 that the court order the defendant be supervised by means of active electronic
8 monitoring as a condition of bail under certain circumstances; authorizing
9 Washington County to implement a global positioning satellite tracking system
10 pilot program that will require, if the court suspends the sentence of a certain
11 defendant convicted of failing to comply with certain relief granted in an interim
12 protective order, temporary protective order, or final protective order, that the
13 court place the defendant under active electronic monitoring as a condition of
14 probation under certain circumstances; requiring a certain defendant to pay
15 certain fees established by the county under certain circumstances; requiring
16 the Sheriff of Washington County and the administrative judge for the District
17 Court in Washington County to submit a certain report on the pilot program;
18 providing for the termination of this Act; and generally relating to a pilot
19 program for the electronic monitoring of defendants subject to protective orders
20 in Washington County.

21 BY repealing and reenacting, without amendments,
22 Article – Criminal Procedure
23 Section 5–202(e)
24 Annotated Code of Maryland
25 (2008 Replacement Volume and 2009 Supplement)

26 BY adding to
27 Article – Criminal Procedure
28 Section 5–202(g)
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2008 Replacement Volume and 2009 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Criminal Procedure
4 Section 6–221
5 Annotated Code of Maryland
6 (2008 Replacement Volume and 2009 Supplement)

7 BY repealing and reenacting, without amendments,
8 Article – Family Law
9 Section 4–509(a)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2009 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Criminal Procedure**

15 5–202.

16 (e) (1) A District Court commissioner may not authorize the pretrial
17 release of a defendant charged with violating:

18 (i) the provisions of a temporary protective order described in §
19 4–505(a)(2)(i) of the Family Law Article or the provisions of a protective order
20 described in § 4–506(d)(1) of the Family Law Article that order the defendant to
21 refrain from abusing or threatening to abuse a person eligible for relief; or

22 (ii) the provisions of an order for protection, as defined in §
23 4–508.1 of the Family Law Article, issued by a court of another state or of a Native
24 American tribe that order the defendant to refrain from abusing or threatening to
25 abuse a person eligible for relief, if the order is enforceable under § 4–508.1 of the
26 Family Law Article.

27 (2) A judge may allow the pretrial release of a defendant described in
28 paragraph (1) of this subsection on:

29 (i) suitable bail;

30 (ii) any other conditions that will reasonably ensure that the
31 defendant will not flee or pose a danger to another person or the community; or

32 (iii) both bail and other conditions described under
33 subparagraph (ii) of this paragraph.

34 (3) When a defendant described in paragraph (1) of this subsection is
35 presented to the court under Maryland Rule 4–216(f), the judge shall order the

1 continued detention of the defendant if the judge determines that neither suitable bail
2 nor any condition or combination of conditions will reasonably ensure that the
3 defendant will not flee or pose a danger to another person or the community before the
4 trial.

5 **(G) (1) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.**

6 **(2) THE COURT SHALL IMPLEMENT A GLOBAL POSITIONING**
7 **SATELLITE TRACKING SYSTEM PILOT PROGRAM AS A CONDITION OF PRETRIAL**
8 **RELEASE OF A DEFENDANT DESCRIBED IN SUBSECTION (E) OF THIS SECTION.**

9 **(3) (I) THE COURT SHALL ORDER THAT, AS A CONDITION OF**
10 **BAIL, THE DEFENDANT BE:**

11 **1. SUPERVISED BY MEANS OF ACTIVE ELECTRONIC**
12 **MONITORING; AND**

13 **2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
14 **THIS PARAGRAPH, RESPONSIBLE FOR PAYING THE FEE FOR ACTIVE**
15 **ELECTRONIC MONITORING ESTABLISHED BY THE COUNTY.**

16 **(II) IF THE COUNTY DETERMINES THAT A DEFENDANT**
17 **CANNOT AFFORD TO PAY THE FEE ESTABLISHED IN SUBPARAGRAPH (I)2 OF**
18 **THIS PARAGRAPH, THE COUNTY MAY EXEMPT THE DEFENDANT WHOLLY OR**
19 **PARTLY FROM THE FEE.**

20 6-221.

21 **(A) [On] SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON** entering a
22 judgment of conviction, the court may suspend the imposition or execution of sentence
23 and place the defendant on probation on the conditions that the court considers
24 proper.

25 **(B) (1) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.**

26 **(2) THE COURT SHALL IMPLEMENT A GLOBAL POSITIONING**
27 **SATELLITE TRACKING SYSTEM PILOT PROGRAM AS A CONDITION OF PROBATION**
28 **FOR A DEFENDANT CONVICTED UNDER § 4-509 OF THE FAMILY LAW ARTICLE.**

29 **(3) (I) ON ENTERING A JUDGMENT OF CONVICTION UNDER §**
30 **4-509 OF THE FAMILY LAW ARTICLE, IF THE COURT SUSPENDS THE**
31 **IMPOSITION OR EXECUTION OF SENTENCE AND PLACES THE DEFENDANT ON**
32 **PROBATION, THE COURT SHALL ORDER THAT, AS A CONDITION OF PROBATION,**
33 **THE DEFENDANT BE:**

1 **1. SUPERVISED BY MEANS OF ACTIVE ELECTRONIC**
2 **MONITORING FOR THE DURATION OF THE PROTECTIVE ORDER; AND**

3 **2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
4 **THIS PARAGRAPH, RESPONSIBLE FOR PAYING THE FEE FOR ACTIVE**
5 **ELECTRONIC MONITORING ESTABLISHED BY THE COUNTY.**

6 **(II) IF THE COUNTY DETERMINES THAT A DEFENDANT**
7 **CANNOT AFFORD TO PAY THE FEE ESTABLISHED IN SUBPARAGRAPH (I)2 OF**
8 **THIS PARAGRAPH, THE COUNTY MAY EXEMPT THE DEFENDANT WHOLLY OR**
9 **PARTLY FROM THE FEE.**

10 **Article – Family Law**

11 4–509.

12 (a) A person who fails to comply with the relief granted in an interim
13 protective order under § 4–504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a
14 temporary protective order under § 4–505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this
15 subtitle, or a final protective order under § 4–506(d)(1), (2), (3), (4), or (5), or (e) of this
16 subtitle is guilty of a misdemeanor and on conviction is subject, for each offense, to:

17 (1) for a first offense, a fine not exceeding \$1,000 or imprisonment not
18 exceeding 90 days or both; and

19 (2) for a second or subsequent offense, a fine not exceeding \$2,500 or
20 imprisonment not exceeding 1 year or both.

21 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September
22 1, 2012, the Sheriff of Washington County and the administrative judge for the
23 District Court in Washington County jointly shall submit a report to the General
24 Assembly, in accordance with § 2–1246 of the State Government Article, that
25 evaluates the global positioning satellite tracking system pilot program established by
26 this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2010. It shall remain effective for a period of 2 years and, at the end of
29 September 30, 2012, with no further action required by the General Assembly, this Act
30 shall be abrogated and of no further force and effect.